

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PONCIANO AUSTRIA,

Plaintiff,

v.

C/O TOREY *et al.*,

Defendants.

Case No. C07-5279RBL

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE** as to the only remaining claim.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold.

DATED this 11<sup>th</sup> day of January, 2008.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE